



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB4351

by Rep. Naomi D. Jakobsson

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Children's Products Safety Act. Provides that no person or entity shall manufacture, sell, or distribute in commerce any toy or child care article that contains di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP), in concentrations exceeding 0.1 percent. Provides that no person or entity shall manufacture, sell, or distribute in commerce any toy or child care article intended for use by a child under 3 years of age if that product can be placed in the child's mouth and contains diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP), in concentrations exceeding 0.1 percent. Provides that manufacturers shall use the least toxic alternative when replacing phthalates in accordance with the Act. Provides that manufacturers shall not replace phthalates with carcinogens rated by the United States Environmental Protection Agency as A, B, or C carcinogens, or substances listed as known or likely carcinogens, known to be human carcinogens, likely to be human carcinogens, or suggestive of being human carcinogens. Provides that manufacturers shall not replace phthalates with reproductive toxicants that cause birth defects, reproductive harm, or developmental harm as identified by the United States Environmental Protection Agency. Effective January 1, 2009.

LRB095 15999 KBJ 42013 b

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Children's Products Safety Act.

6 Section 5. Findings. The General Assembly finds all of the  
7 following:

8 (a) Phthalates are a class of chemicals used in polyvinyl  
9 chloride (PVC) plastic to improve its flexibility and in  
10 cosmetics to bind fragrance to the product. Phthalates are used  
11 in many products intended for use by young children, including,  
12 but not limited to, teething rings, toys, and soft plastic books.

13 (b) There is extensive scientific literature reporting the  
14 hormone-disrupting effects of phthalates and substantial  
15 evidence that levels of the phthalates of concern are found in  
16 humans at levels associated with adverse effects. Population  
17 studies show that virtually everyone carries some level of  
18 phthalates in their body. For the general population, the oral  
19 route of exposure to phthalates is considered the primary route  
20 of exposure leading to levels of phthalates in the body.

21 Section 10. Definitions. In this Act:

22 "Child care article" means all products designed or

1 intended by the manufacturer to facilitate sleep, relaxation,  
2 or the feeding of children, or to help children with sucking or  
3 teething.

4 "Toy" means all products designed or intended by the  
5 manufacturer to be used by children when they play.

6 Section 15. Regulation of phthalates.

7 (a) No person or entity shall manufacture, sell, or  
8 distribute in commerce any toy or child care article that  
9 contains di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate  
10 (DBP), or benzyl butyl phthalate (BBP), in concentrations  
11 exceeding 0.1 percent.

12 (b) No person or entity shall manufacture, sell, or  
13 distribute in commerce any toy or child care article intended  
14 for use by a child under 3 years of age if that product can be  
15 placed in the child's mouth and contains diisononyl phthalate  
16 (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate  
17 (DnOP), in concentrations exceeding 0.1 percent.

18 (c) Manufacturers shall use the least toxic alternative  
19 when replacing phthalates in accordance with this Act.

20 (d) Manufacturers shall not replace phthalates with  
21 carcinogens rated by the United States Environmental  
22 Protection Agency as A, B, or C carcinogens, or substances  
23 listed as known or likely carcinogens, known to be human  
24 carcinogens, likely to be human carcinogens, or suggestive of  
25 being human carcinogens, as described in the "List of Chemicals

1 Evaluated for Carcinogenic Potential".

2 (e) Manufacturers shall not replace phthalates, pursuant  
3 to this Act, with reproductive toxicants that cause birth  
4 defects, reproductive harm, or developmental harm as  
5 identified by the United States Environmental Protection  
6 Agency.

7 Section 99. Effective date. This Act takes effect January  
8 1, 2009.